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Department of Energy

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Richland Operations Office
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Richland, Washington 99352

FEB - 6 1995



Mr. William H. Burke, Treasurer
Confederated Tribes
of the Umatilla Indian Reservation
P.O. Box 638
Pendleton, Oregon 97801

Dear. Mr. Burke:

THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION'S (CTUIR) CONCERNS ABOUT PROGRESS ON THE COLUMBIA RIVER COMPREHENSIVE IMPACT ASSESSMENT (CRCIA)

I was disappointed to read in your letter to me of January 6, 1995, that you are not satisfied with the progress being made on the Columbia River Comprehensive Assessment (CRCIA) and that in your opinion, we had failed to consult with the Tribes on any substantive issues associated with the CRCIA. (10250)

You outlined three principal concerns associated with the progress of the CRCIA: (1) frequency and effectiveness of past consultation with Tribal representatives; (2) perspectives of the nature, scope, and intended purpose of the CRCIA (including Tribal support for the draft Hanford Federal Facility Agreement and Consent Order change package developed by the U.S. Environmental Protection Agency (EPA); and (3) funding for the CRCIA.

CONSULTATION

The CTUIR and the Department of Energy (DOE) both desire an interactive relationship in development of CRCIA project work. I want to make you aware of a number of opportunities the DOE has provided for technical exchange on this issue, which were not reflected in your letter. The CTUIR Hanford Projects staff was not able or did not take full advantage of these opportunities.

Representatives of the CTUIR were invited by the U.S. Department of Energy, Richland Operations Office (RL) in late November 1994 to attend special presentations on the rough draft report titled "Identification of Contaminants of Concern" (COC) for the CRCIA Project. The Confederated Tribes and Bands of the Yakama Indian Nation and the Nez Perce Indian Tribe were also extended this opportunity and they participated in separate meetings. However, the CTUIR declined to have an exchange on the report. The invitation was extended at such a time that their concerns could have been incorporated into the report before it was issued for public review. In addition, a direct offer was made by RL to Mr. J. R. Wilkinson at the December 1994 meeting of the Environmental Restoration Committee of the Hanford Advisory Board to have Pacific Northwest Laboratory (PNL) staff travel to the offices of the CTUIR to discuss progress on the project. The CTUIR have not followed up on this offer. The draft COC report is expected to be issued the first week of

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February 1995, which will provide another opportunity for the CTUIR to have input into the project scope.

Interactions with the CTUIR concerning the sediment sampling in September and October 1994, could have and should have been more extensive. During the last week of July 1994, PNL was directed by RL to apply unallocated FY 1994 funds to a sediment sampling effort. An intense effort then ensued to resolve planning, quality assurance, and contractual issues in about six weeks. A meeting with the CTUIR during that time to discuss the contaminants and sampling locations would have been beneficial. The CTUIR staff was provided with a list of contaminants and sampling locations in such a time frame that their suggestions could have been incorporated into the sampling effort. Changes were made to the sampling plan after the CTUIR were provided the information, based on suggestions received from others. Sampling locations were identified in general terms in the sampling plan to allow the field crew latitude in locating sediment deposits. The field crew then recorded the sampling locations in precise detail.

The CTUIR staff have not been given the laboratory results from the sampling effort; but neither has anyone else outside of PNL, because the results are still coming in from the analytical laboratories. PNL has an open door policy on science for the CRCIA and a representative of the CTUIR is welcome to make an appointment to look through the results that have been received, thus far, from the labs. To make an appointment, contact Mr. Randy Brich, River Sites Restoration Division, on (509) 376-9031. Under current funding expectations, PNL will produce a data report on the sampling results for publication in the summer of 1995, which we will immediately provide to the CTUIR, as well as other interested parties.

PURPOSE AND SCOPE

RL negotiated an agreement with EPA and the State of Washington, Department of Ecology (Ecology) to perform a comprehensive impact assessment of the human and ecological impacts attributable to current release of contaminants (e.g., seeps) and the impacts associated with remaining Hanford-derived contaminants (e.g., sediments) to the Columbia River. This data and assessment will be used for the purpose of remedial decisions at the Hanford Site. Near-term cleanup decisions will be based on current conditions; however, RL agrees that data concerning past releases and conditions are valuable for determining the potential for locating areas that may presently be contaminated. This is why the first step in the CRCIA was to produce a data compendium. Additionally, the CRCIA will not duplicate work already completed by state or federal public health agencies. An example of this type of work is the State of Washington, Department of Health's special report titled "Radioactivity in Columbia River Sediments and their Health Effects," March 1994.

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FUNDING

The FY 1995 funding for the CRCIA is \$500,000, not \$300,000 as indicated by the CTUIR. Progress has been hindered by the inability of RL, Ecology, and EPA to agree on the technical peer review.

CTUIR CONCLUSIONS

I agree with your conclusion that this effort requires frequent consultation at all stages along the way. I respectfully suggest that both Hanford and the CTUIR staffs redouble their efforts at effective consultation to improve not only our governmental relationship but to produce the important quality document we both desire.

We believe the best way to achieve your second conclusion, regarding the scope and purpose of the CRCIA and necessary support, is to establish technical peer reviewers. Until such time that an effective peer review is in place and functioning we believe it would be inappropriate to set the detailed scope and schedule for the CRCIA.

Concerning your third conclusion relative to funding, I agree that the CRCIA will play a critical role in both characterizing river conditions and developing Columbia River corridor remediation goals. We must recognize that this study is one of many important initiatives of Environmental Restoration. The significant reduction of the Department of Energy budget requires difficult decisions regarding multiple objectives and goals. The process of managing the planned and ongoing projects in the arena of diminishing funds is one that concerns all of us but we are committed to doing it in a responsible manner.

I am very aware of the importance to the CTUIR of the completion of the CRCIA in a comprehensive and objective manner and we share the CTUIR's particular interest in the Columbia River. I would like to encourage the CTUIR Hanford Projects staff to continue to work with Mr. Randy Brich in our efforts to achieve meaningful progress in this matter. I also suggest that we try again to organize the float trip on the Hanford Reach that the CTUIR suggested in August 1994.

In an attempt to correct or avoid future misunderstandings, please encourage the Hanford Projects staff to initially contact the Indian Nations Program office (509-376-6332), if they encounter problems with consultation efforts. The Indian Nations Program was established, in part, to address and correct problems in communications with tribal governments. Until your January 6, 1995 letter to me, and January 9, 1995 letter to Secretary O'Leary, we had no indication that there was a problem with effective communication and consultation on the CRCIA.

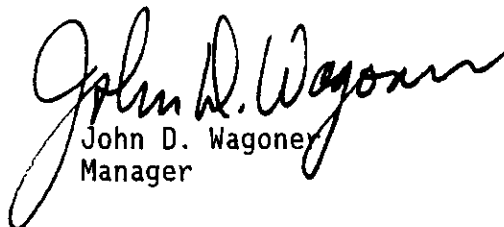
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If you desire to discuss this matter further or require additional information, please feel free to contact me, or your staff may contact Mr. Brich.

Sincerely,



John D. Wagoner
Manager

RSD:RFB

cc: D. Sampson, CTUIR
R. Jim, YIN
D. Powaukee, NPT
R. Buck, Wanapum
R. Patt, Oregon DOE
Doug Sherwood, EPA
Roger Stanley, Ecology